

ENTERED

September 30, 2024

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PACIRA BIOSCIENCES, INC.

VS

QUVA PHARMA, INC.

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§

CIVIL ACTION NO. H-23-4147

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court in the above referenced proceeding is Defendant's Motion to Dismiss Complaint (Doc. No. 11) and Magistrate Judge Bennett's Memorandum and Recommendation (Doc. No. 38). Defendant has filed objections (Doc. No. 41) to the Memorandum and Recommendation.

The Court has carefully reviewed, *de novo*, the filings, the applicable law, the Magistrate Judge's Memorandum and Recommendation, and the objections thereto, and agrees with the Magistrate Judge's conclusions. Accordingly, it is hereby

ORDERED that Defendant's Objections to the Memorandum and Recommendation (Doc. No. 41) are **OVERRULED**, and the Memorandum and Recommendation (Doc. No. 38) is **ADOPTED**. It is further

ORDERED that Defendant's Motion to Dismiss Complaint¹ (Doc. No. 11) is **GRANTED in PART and DENIED in PART**. It is further

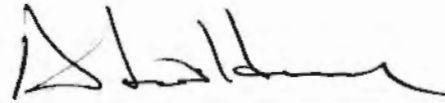
ORDERED that Defendant's Motion to Dismiss Pacira's FDA-Approval and Imputed

¹ Also pending before this Court is Defendant's Motion to Dismiss Pacira's Original Complaint (Doc. No. 9). As this pleading has been superseded by docket entry 11, docket entry 9 is **DENIED as MOOT**.

Advertising theories is **GRANTED**. It is further

ORDERED that Defendant's Motion to Dismiss Pacira's Compliance Theory and Defendant's argument regarding deceptive and material allegations is **DENIED**.

SIGNED at Houston, Texas, this 30th day of September 2024.

A handwritten signature in black ink, appearing to read 'A. Hanen', written over a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE